THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

TUESDAY, THE TWENTY SIXTH DAY OF

TWO THOUSAND AND FIVE

WRIT APPEAL NO :384 of 2005

Between:

M. Gnanarathnam ..Appellant

And

1. The District Educational Officer,

Sangareddy, Medak District & Five Others ..Respondents.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT APPEAL NO :384 of 2005

JUDGMENT: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ appeal is filed by the appellant aggrieved by the order, dated 27.01.2005 in WP No.10698 of 2004, under which the learned Single Judge dismissed the writ petition.

The appellant herein is the writ petitioner.

Originally, the writ petition was filed seeking a direction, in the nature of writ of Mandamus, declaring the action of respondents 1 to 3 in not rectifying the clerical error in altering the date of birth of the petitioner from 16.12.1944 to 16.12.1949 in the provisional HSC Certificate bearing Regn. No.3348/68 and to dispose of the objection petitions filed by the petitioner dated 6.4.1967 and 10.11.1994 expeditiously.

It is the case of the writ petitioner that in the primary school records, his date of birth was shown as 16.12.1949 and in the high school, the mistake had been occurred. It is further stated that though the petitioner filed an application for correction of the same in the year 1967, the same was not disposed of nor any steps were taken so far. In contra, the respondents contended that all along the petitioner's date of birth is shown as 16.12.1944 and therefore, the question of any correction at the fag end of his service, does not arise. The learned Single Judge having relied upon the Judgment of the Apex Court in Burn Standard Co. Ltd., Vs. Dinabandhu Majumdar (AIR 1995 SC 1499), wherein it is held that the approach for correction of the date of birth at the fag end of service with an object of continuing in service cannot be entertained, dismissed the writ petition. Aggrieved by the same, the present appeal has been preferred.

The learned Counsel for the writ petitioner contended that the petitioner made representations to the respondents way back in the year 1967 and subsequent thereto, but the authorities did not pursue the matter and therefore, the order of the learned Single Judge that the approach of the petitioner at the fag end of the service cannot be entertained, is not tenable. The learned Counsel for the petitioner further contended that the petitioner made an application on 19.11.2004 to the District Educational Officer, Sangareddy, Medak District, seeking correction of his date of birth. It is further contended that on receipt of the representation, the District Educational Officer, Sangareddy, by proceedings dated 2.3.2005, called for certain information from the Head Master, M.R.H.S. Zaheerabad and also from the Deputy Educational Officer, Jogipet for taking necessary action.

Perused the material available on record.

As can be seen from the record and the order under appeal, it is apparent that

the writ petitioner made an application for alteration of his date of birth way back in the year 1967 i.e., prior to his appointment in the Bank and subsequent thereto, he made another application in the year 1994. Therefore, the finding of the learned Single Judge that the approach of the petitioner at the fag end of service with a view to continue in service, is not sustainable.

In view of the fact that the 1st respondent-District Educational Officer issued certain proceedings on 2.3.2005 on the representation made by the writ petitioner dated 19.11.2004, we deem it appropriate to direct the 1st respondent to expedite the enquiry and also to consider the case of the writ petitioner, in accordance with law.

Accordingly, the writ appeal is disposed of. The 1st respondent is directed to complete the enquiry, within a period of two months from the date of receipt of a copy of this Order. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 26th July, 2005

Nn.

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